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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**

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7 Mauricio Jasso,

8 Plaintiff,

9 v.

10 Wells Fargo, et al.,

11 Defendant.
12

Case No. 2:20-cv-858-RFB-BNW

ORDER

13 Before the Court is Defendant Wells Fargo's Motion to redact portions of its supplemental
14 authorities at ECF No. 410.¹ ECF No. 411. No opposition has been filed.

15 **I. Legal authorities**

16 Generally, the public has a right to inspect and copy judicial records. *Kamakana v. City &*
17 *Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006). Such records are presumptively publicly
18 accessible. *Id.* Consequently, a party seeking to seal a judicial record bears the burden of
19 overcoming this strong presumption. *Id.* In the case of dispositive motions, the party seeking to
20 seal the record must articulate compelling reasons supported by specific factual findings that
21 outweigh the general history of access and the public policies favoring disclosure, such as the
22 public interest in understanding the judicial process. *Id.* at 1178-79 (alteration and internal
23 quotation marks and citations omitted). The Ninth Circuit has further held that the full
24 presumption of public access applies to technically non-dispositive motions and attached
25 documents as well if the motion is "more than tangentially related to the merits of the case." *Ctr.*
26 *for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1101 (9th Cir. 2016).

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28 ¹ The unredacted and sealed document is at ECF No. 412.

1 Among the compelling reasons which may justify sealing a record are when such court
2 files might have become a vehicle for improper purposes, such as the use of records to gratify
3 private spite, promote public scandal, circulate libelous statements, or release trade secrets.
4 *Kamakana*, 447 F.3d at 1179 (quotation omitted). However, avoiding a litigant’s embarrassment,
5 incrimination, or exposure to further litigation will not, without more, compel the court to seal its
6 records. *Id.*

7 “[A] different standard applies to ‘private materials unearthed during discovery,’ as such
8 documents are not part of the judicial record.” *Pintos*, 605 F.3d at 678 (citing *Kamakana*, 447
9 F.3d at 1180). Under Rule 26(c), a court may enter a protective order “to protect a party or person
10 from annoyance, embarrassment, oppression, or undue burden or expense.” “The relevant
11 standard for purposes of Rule 26(c) is whether good cause exists to protect the information from
12 being disclosed to the public by balancing the needs for discovery against the need for
13 confidentiality.” *Pintos*, 605 F.3d at 678 (quotation omitted). Given the “weaker public interest in
14 non-dispositive materials,” the court applies the good cause standard in evaluating whether to seal
15 documents attached to a non-dispositive motion. *Id.* “Non-dispositive motions ‘are often
16 unrelated, or only tangentially related, to the underlying cause of action,’ and, as a result, the
17 public’s interest in accessing dispositive materials does ‘not apply with equal force’ to non-
18 dispositive materials.” *Id.* (citing *Kamakana*, 447 F.3d at 1179). It is within the court’s discretion
19 whether to seal documents. *Id.* at 679.

20 **II. Analysis**

21 Wells Fargo moves to redact the names of some of Wells Fargo’s automated transaction
22 monitoring systems.

23 Because these documents are attached to a non-dispositive motion, the Court applies the
24 good cause standard. Here, the Court finds that Wells Fargo has made specific factual showings
25 demonstrating good cause exists to redact the supplement at issue. These internal and non-public
26 investigative processes and procedures constitute sensitive, commercially related information. *See*
27 *Aevoe Corp. v. Ae Tech. Co.*, 2013 U.S. Dist. LEXIS 74241, *5, 2013 WL 2302310 (D. Nev. May
28 24, 2013) (finding good cause to seal financial information and product specifications, which

1 were treated as sensitive business information); *see also* *Dannenbring v. Wynn Las Vegas, LLC*,
2 No. 2:12-cv-00007-JCMVCF, 2013 WL 2460401, at *4-6 (D. Nev. June 6, 2013) (ordering that
3 exhibit related to internal investigation into plaintiff was properly filed under seal in light of “the
4 sensitive nature of Defendant’s confidential internal investigations”). Protecting this non-public
5 information outweighs the public interest in accessing this litigation’s records or understanding
6 the judicial process in relation to this case.

7 **III. Conclusion**

8 **IT IS THEREFORE ORDERED** that Wells Fargo’s motion at ECF No. 411 is
9 **GRANTED.**

10 **IT IS FURTHER ORDERED** that the Clerk of Court shall maintain ECF No. 412 under
11 seal.

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13 DATED: September 18, 2023

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15 BREND A WEKSLER
16 UNITED STATES MAGISTRATE JUDGE
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